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17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

21 UNITED STATES OF AMERICA, ) CASE NO. 24-CR-329 CRB

22 Plaintiff, ) **[PROPOSED] FINDINGS OF FACT**  
23 v. ) **REGARDING RISK OF FLIGHT**

24 RUTHIA HE,

25 Defendant.

26  
27 On June 12, 2024, defendant Ruthia He was charged by indictment with conspiracy to distribute  
28 and distribution of controlled substances, in violation of Title 21 United States Code Sections 846,

1 841(a) and 841(b)(1)(C); conspiracy to commit health care fraud, in violation of Title 18 United States  
2 Code Section 1349; and conspiracy to obstruct justice, in violation of Title 18 United States Code  
3 Section 1512(k). On July 12, 2024, the defendant was ordered detained by Magistrate Judge Thomas S.  
4 Hixson based on a finding that no condition or combination of conditions would reasonably assure the  
5 appearance of the defendant as required. Dkt. 32. On August 16, 2024, the defendant appealed that  
6 order to this Court. Dkt. 48. The government opposed. Dkt. 51. The parties appeared before the Court  
7 on August 21 and August 23, 2024, for hearing on the defendant's appeal.

8       Based on the charges against the defendant for violation of the Controlled Substances Act, there  
9 is a rebuttable presumption that no condition or combination of conditions reasonably will assure the  
10 defendant's appearance as required and the safety of the community. 18 U.S.C. § 3142(e)(3)(A).

11       After consideration of the parties' submissions and arguments, and as noted on the record on  
12 August 23, 2024, the Court finds that the government has established that the defendant poses a  
13 significant risk of flight that cannot be mitigated by the release conditions proposed by the defendant to  
14 date. The defendant is a citizen of China and has substantial cultural and family ties to China. If she  
15 flees to that country, she cannot be extradited to the United States. Moreover, as the defendant owns  
16 almost all of the shares outstanding in Done, the Court has not received sufficient information to  
17 establish that the defendant or her associates do not have access to the approximately \$9 million in funds  
18 in Done's accounts. The Court also lacks a sufficient explanation for payments made from Done's  
19 accounts to an entity called "Makebelieve Asia." In addition, the Court is also concerned with the  
20 defendant's own words and conduct, including: the defendant's deletion of company information and  
21 conversations; the defendant's search online regarding whether "the police" could check Google history  
22 for a deleted Gmail account; and conversations in which the defendant discussed with associates the  
23 government's inability to extradite her from China and how to send money abroad to accounts that could  
24 not be reached by the United States government. Finally, the Court observes that the defendant is now  
25 aware, in a way she was not prior to her indictment, that she is facing a real risk of serving time in prison  
26 if convicted of the charged offenses.

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1       In sum, the Court finds at this time that it has not been presented with a condition or combination  
2 of conditions that could be imposed that would sufficiently mitigate the flight risk posed by the  
3 defendant. The Court will consider additional proposals from the defendant that would mitigate that  
4 risk.

5           IT IS SO ORDERED.

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7 DATED: August 26, 2024

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HONORABLE CHARLES R. BREYER  
United States District Court Judge